

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas
FILED

AUG 01 2016

David J. Bradley, Clerk

MARCOS GONZALEZ-MARTINEZ,
Plaintiff,

V.

UNITED STATES OF AMERICA,
Respondent.

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7:16cv473 RRC/PEO

Case No. 7:14CR00419-003

Judge: Alvarez

MOTION FOR RETURN OF PROPERTY

Comes Now, Marcos Gonzalez-Martinez, pro se, and files this motion for return of property and incorporates for all intent and purposes, and alleges the following.

1. This proceeding is brought under and by virtue of Rule 41 (g) of the federal rules of criminal procedure. Plaintiff alleges that discovery is intended to be conducted under fed.r. crim. p. 16.

2. Jurisdiction is conferred this court by virtue of 18 USC § 983 (e)(5) of the civil asset forfeiture reform act of 2000 (CAFRA) for lack of notice, and the occurrences recited hereinafter.

3. Subject matter of this action is \$ 6900.00, in Currency U.S. and two cell phones, hereinafter referred to as the property.

4. On March 07, 2014, the property was seized from the potential claimant Marcos Gonzalez-Martinez, who was arrested by the Drug Administration Enforcement and have remained or are in the custody of the United States office within or will be located in this judicial district during the pendance of this motion.

5. Defendant alleges that said property is not contraband as defined by the federal rules of criminal procedure and is not thereby subject to forfeiture. Specification, Plaintiff alleges that said property is neither the proceeds gained from aquired with, used or intended to be used in, and/ or used or intended to be used to facilitate the commission of any offense enumerated proceeds of Defendant's violations and property subject to forfeiture based upon the facts set forth in the attached and previously incorporated lack of notice.

6. The property bears no liens or other encumbrance by any other person entity.

7. Defendant requests that a certified copy of this motion be served upon plaintiff by certified mail, return receipt requested or by hand delivery to the plaintiff or wherever, it may found.

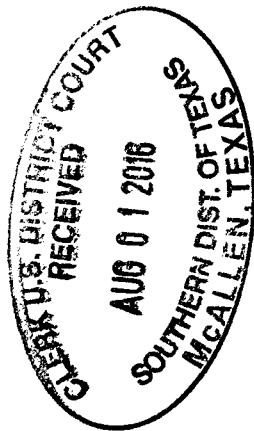
Wherefore, premises considered Defendant prays that this court enter a finding that the said property is not contraband and upon such finding to order the return of said property to the defendant.

DATED: This 28th day of July 2016

Respectfully Submitted,

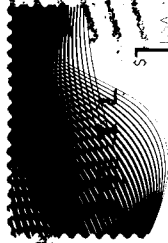
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LUBBOCK

28 JUL 2016



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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